

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

TRUSTEES OF THE NATIONAL )  
ELEVATOR INDUSTRY PENSION )  
FUND, )

Plaintiff, )

v. )

DALLAS CAVINESS, D.C. c/o RHONDA )  
CAVINESS, AND ROBERT W. )  
CAVINESS, )

Defendants. )

CIVIL ACTION NO.

2:08-cv-162-MEF

**ANSWER**

Come now, the Defendants, Dallas C. Caviness and Rhonda Caviness Pierce (in her capacity as guardian for D.C., a minor) and answer Plaintiff's complaint as follows:

**Parties**

1. Defendants are without knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, deny the same.

2. Defendants are without knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, deny the same.

3. Admit.

4. Admit.

5. Admit.

6. Admit.

7. Admit.

8. Defendants are without knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, deny the same.

9. Admit.

10. Admit.

11. Defendants are without knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, deny the same.

12. Defendants are without knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, deny the same.

13. Defendants are without knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, deny the same.

14. Defendants are without knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, deny the same.

15. Defendants are without knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, deny the same.

16. Defendants admit the first sentence of paragraph 16. Defendants are without knowledge sufficient to form a belief as to the truth of the averments contained in the second sentence of paragraph 16 and, therefore, deny the same.

17. Admit.

18. Defendants are without knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, deny the same.

19. Defendants are without knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, deny the same.

20. Defendants are without knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, deny the same.

21. Defendants are without knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, deny the same.

**DEFENDANTS' INTERPLEADER CLAIM FOR RELIEF**

In addition to their response to Plaintiff's complaint in Interpleader, Defendants, Dallas Caviness and Rhonda Caviness, in her capacity as guardian for D.C., also assert the following claim to the pension benefit proceeds to be deposited with this Court. Defendants allege that as the only children of decedent, George W. Caviness, Jr., that they are the proper parties to receive the pension

benefit proceeds. Defendants plead this Honorable Court to award their claim to the pension benefit proceeds along with an award of reasonable attorney's fees in this matter.

Respectfully Submitted,

/s/ John W. Dodson

John W. Dodson (DOD012)

J. Christopher Miller (MIL109)

*Attorneys for Defendants, Dallas Caviness  
and Rhonda Caviness Pierce*

Of Counsel:

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CERTIFICATE OF SERVICE

I hereby certify that I have on this 9th day of April, 2008, served a copy of the foregoing pleading electronically via CM/ECF system and U.S. Mail:

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/s/ John W. Dodson

OF COUNSEL